

**RICHARD PALMA**

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NEW YORK, Application granted. Defendant's supplemental briefing, if any, is due January 16, 2023; opposition shall be filed by February 13, 2023; and reply, if any, shall be filed by February 27, 2023. Defense counsel shall advise the Court by January 16, 2023 if Defendant elects not to pursue this motion.

MEMBER OF THE BAR  
NEW YORK

SO ORDERED.

N

Philip M. Halpern  
United States District Judge

Dated: White Plains, New York  
November 23, 2022

The Honorable Philip M. Halpern, U.S.D.J.  
Southern District of New York  
300 Quarropas St. Courtroom 520  
White Plains, NY 10601-4150

**Re: United States v. Donavan Gillard, Dk No. 7:20-cr-00626 (PMH)  
Defense Request for Revised Scheduling Order.**

Dear Judge Halpern:

I write in reference to the above entitled matter to update the Court on the matter's current status, apprise the court of my efforts to meet the Court's current scheduling order, and to request that the Court issue a revised scheduling order.

On September 17, almost immediately upon my learning of the September 12, 2022 appointment, I reviewed the docket sheet and set about trying to gather Mr. Gillard's PSR and plea and sentencing transcripts. At almost the moment of my appointment, Mr. Gillard was transferred from MDC to Hazelton FCI in West Virginia. While I checked the BOP website religiously for the ensuing two weeks, neither he nor his placement appeared on the website.

After receiving the PSR on September 19, I learned that Mr. Gillard did not reappear on the BOP website until early October. I promptly wrote him via Corrlinks. He did not reply until November 3, when he apologized for the delay and explained that the facility "always seems to be on lock down for whatever reasons."

While I ordered the plea and sentencing transcripts "expedited" on October 7, it was not until November 4 that I received a "nonfinal" version of his sentencing transcript from the reporter, Ms. Ghoryab. I just downloaded the plea transcript yesterday, November 22, not knowing it was docketed on ECF until the reporter, Ms. Arends-Diek, notified me on Monday.

For these reasons, and that we are now in the holiday season, I write to ask the Court to issue a new Order extending its deadline for the defense submission until January 16, 2022.

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Letter to Hon. Halpern, U.S.D.J.

November 23, 2022

Given my client's problems communicating with me, should the Court approve, I may dispatch my associate to his federal facility in the hope of expediting the matter by conducting one comprehensive consultation to determine definitively what relief he actually seeks.

Thank you.

Respectfully submitted,  
s/ Richard Palma  
Richard Palma